

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiff,

vs.

VIZIO, Inc.,

Defendant.

Civil Action No. 1:12-cv-10900-DJC

**VIZIO’S MOTION TO DISMISS MIT’S CLAIMS OF INDIRECT
AND WILLFUL INFRINGEMENT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant VIZIO, Inc. (“VIZIO”) respectfully moves for this Court to dismiss the claims of indirect patent infringement (pre-suit) and willful patent infringement alleged by Plaintiff Massachusetts Institute of Technology (“MIT”) in its First Amended Complaint. VIZIO also moves to strike, under Fed. R. Civ. P. 12(f), the paragraphs related to MIT’s claims of indirect patent infringement (pre-suit) and willful patent infringement alleged in MIT’s First Amended Complaint. As grounds for this Motion, VIZIO respectfully refers the Court to its accompanying Memorandum in Support, filed herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), VIZIO respectfully requests a hearing on this Motion, unless the Court grants this Motion on the papers filed.

Respectfully submitted,

VIZIO, Inc.

Dated: September 30, 2013

/s/ Brendan T. St. Amant

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that on September 27, 2013, I conferred with counsel for Plaintiff MIT and attempted in good faith to resolve or narrow the issues presented by this Motion to the greatest possible extent.

/s/ James L. Duncan III
James L. Duncan III

CERTIFICATE OF SERVICE

Pursuant to L.R. 5.2(b)(2) and 5.4 of the Local Rules of the United State District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Brendan T. St. Amant
Brendan T. St. Amant